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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,077	06/23/2004	Stephen Proulx	MCA-589A PC/US	5860
25182	7590	09/10/2007		
MILLIPORE CORPORATION 290 CONCORD ROAD BILLERICA, MA 01821			EXAMINER BOUCHELLE, LAURA A	
			ART UNIT 3763	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,077

Applicant(s)

PROULX ET AL.

Examiner

Laura A. Bouchelle

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,11 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,11 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 4, 5, 11, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leason et al (US 5360413) in view of Tessman et al (US 6210372) in further view of Erskine et al (US 5820614).
3. Leason discloses and access device comprising a body 12 having a bore 15 that passes through the entire length of the body, a moveable plunger 18 having a first and second end contained within the bore, wherein the body 12 has a first end 6 and a second end 8, the first end being connected to an upstream component, and the second end being connected to a downstream component. See Figs. 3 and 7. Leason further discloses that when the plunger is in a closed position, the first end of the plunger is in alignment with the face of the body, forming a steamable surface and a sterile barrier for the interior of the body and the downstream components (Col. 3, line 56-68). The device further comprises a seal 20 formed between the plunger and the bore, and the first face includes a sanitary flange 25.
4. Claims 1 and 11 differ from Leason in calling for the device to be formed of plastic. Claim 5 differs in calling for the device to be formed of polyetherimides. Tessman discloses a storage and delivery device for a catheter or needle wherein the device is made using thermoplastics such as polyetherimide that have high hardness and strength and can withstand

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sterilization (Col. 6, lines 55-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to form the device of Leason of a thermoplastic such as polyetherimide so that the device would be able to withstand sterilization.

5. Claims 1, 11 further differ from the teachings above in calling for the plunger to have a cam and the body to have a cooperating cam slot. Erskine teaches a medical connector comprising a body 23 having a cam slot 139 and a plunger 130 having a cam 137 wherein upon engagement of the cam in the cam slot the bore is moves from a closed to an open position (Col. 5, lines 4-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Leason in view of Tessman to have a cam and a cam slot as taught by Erskine to form a retentive contact between the plunger and the body.

6. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackal (US 2859932) in view of Erskine.

7. Mackal discloses a valve having a body 14 having a bore through its interior having three sections each with a different diameter a movable plunger 27 contained in the bore, the second end of the plunger being connected to a downstream component and the first end of the plunger 27 being in alignment with the face of the body when in the closed position. See Fig. 4. The second diameter is greater than the first diameter and a tapered portion is located therebetween. The plunger has one or more openings 29 forming a fluid channel with the second end of the plunger.

8. Claim 16 differs from Mackal in calling for the plunger to comprise a cam and the body comprise a cam slot. Erskine teaches a medical connector comprising a body 23 having a can

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slot 139 and a plunger 130 having a cam 137 wherein upon engagement of the cam in the cam slot the bore is moves from a closed to an open position (Col. 5, lines 4-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Mackal to have a cam and a cam slot as taught by Erskine to form a retentive contact between the plunger and the body.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 2, 4, 5, 11, 14, 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Bouchelle whose telephone number is 571-272-2125. The examiner can normally be reached on Monday-Friday 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 517-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NICHOLAS D. LUCCHESI
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 3700

Laura A Bouchelle
Examiner
Art Unit 3763

